

UNITED STATES DISTRICT COURT

Oct 19, 2021

SEAN F. MCAVOY, CLERK

for

Eastern District of Washington

U.S.A. vs. Martinez, Leticia Ann Docket No. 0980 2:21CR00044-TOR-2

Petition for Action on Conditions of Pretrial Release

COMES NOW Emely Cubias, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant Leticia Ann Martinez, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge John T. Rodgers sitting in the court in Spokane, Washington, on the 5th day of May 2021, under the following conditions:

Standard Condition of Release #9: Defendant shall refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether Defendant has been authorized medical marijuana under state law.

Standard Condition #1: Defendant shall not commit any offense in violation of federal, state or local law. Defendant shall advise the supervising Pretrial Services Officer and defense counsel within one business day of any change, arrest, or contact with law enforcement. Defendant shall not work for the United States government or any federal or state law enforcement agency, unless Defendant first notifies the supervising Pretrial Services Officer.

Additional Condition #27: Prohibited Substance Testing. If random urinalysis testing is not done through a treatment program, random urinalysis testing shall be conducted through Pretrial Services, and shall not exceed six (6) times per month. Defendant shall submit to any method of testing required by the Pretrial Service Office for determining whether the Defendant is using a prohibited substance. Such methods may be used with random frequency and can include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. Defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of prohibited substance testing.

Standard Condition of Release #6: Defendant shall report to the United States Probation Office before or immediately after release and shall report as often as they direct, at such times and in such manner as they direct.

Standard Condition of Release #2: Defendant shall immediately advise the court, defense counsel and the U.S. Attorney in writing before making any changes in address or telephone number.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #1: The defendant is considered to be in violation of her conditions of pretrial supervision by using controlled substances, codeine and morphine, on or about August 25, 2021.

The defendant was released from detention on May 5, 2021. She signed her conditions of release on May 6, 2021, stating she understood she could not use controlled substances.

On August 25, 2021, Ms. Martinez submitted to drug testing at her treatment provider, Social Treatment Opportunities Program (STOP). The sample tested presumptive positive for methamphetamine. As Ms. Martinez denied any use of illicit substances, the sample was sent to the national lab for confirmation. On September 25, 2021, the national lab reported the sample was positive for codeine and morphine - two substances Ms. Martinez does not have a prescription for, and when present in a client's urine, it can indicate heroin use.

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Violaton #2: The defendant is considered to be in violation of her conditions of pretrial supervision by using a controlled substance, morphine, on or about October 4, 2021.

The defendant was released from detention on May 5, 2021. She signed her conditions of release on May 6, 2021, stating she understood she could not use controlled substances.

On October 4, 2021, Ms. Martinez submitted to drug testing at STOP. Ms. Martinez tested presumptive positive for methamphetamine and the sample was sent to the national lab for confirmation as Ms. Martinez denied any use of controlled substances. On October 8, 2021, the national lab reported Ms. Martinez' urine sample was confirmed as positive for morphine. Further testing has been requested to determine whether the morphine present in Ms. Martinez's urine is indicative of heroin use. These results remain pending.

Violation #3: The defendant is considered to be in violation of her conditions of pretrial supervision by failing to report police contact within 1 business day and committing a new law offense by being cited by Moses Lake Police Department for third degree driving with license suspended, on or about October 7, 2021.

The defendant was released from detention on May 5, 2021. She signed her conditions of release on May 6, 2021, stating she understood she was required to report police contact and not violate any federal, state or local laws.

On October 12, 2021, this officer received notification Ms. Martinez had been cited for driving with a license suspended. Ms. Martinez failed to contact this officer to report the contact which originally occurred on October 7, 2021. On October 13, 2021, this officer contacted Ms. Martinez directly who admitted she was in a car accident and was cited for driving without a license.

Violation #4: The defendant is considered to be in violation of her conditions of pretrial supervision by failing to report as directed on October 13, 2021.

The defendant was released from detention on May 5, 2021. She signed her conditions of release on May 6, 2021, stating she understood she would need to report to the U.S. Probation Office as directed.

On October 12, 2021, this officer gave Ms. Martinez directions to contact this officer on October 13, 2021, to further discuss her violations. Ms. Martinez failed to report as directed even when this officer attempted to contact her by phone on October 13, 2021, and after an attempted a home visit on October 14, 2021.

Violation #5: The defendant is considered to be in violation of her conditions of pretrial supervision by failing to report her change of address on or about October 14, 2021.

The defendant was released from detention on May 5, 2021. She signed her conditions of release on May 6, 2021, stating she understood would need to report any change of residence immediately before the actual change of residence.

This officer conducted an unannounced home visit on October 14, 2021, at Ms. Martinez' reported address. A family member reported Ms. Martinez had not been residing at the residence for several days. Based on this information, this officer went to the defendant's brother's residence, as Ms. Martinez is known to frequent there. Ms. Martinez was located at her brother's residence. Her brother admitted that Ms. Martinez does stay at his residence on occasion despite knowing it was not permitted or approved by this officer.

Violation #6: The defendant is considered to be in violation of her conditions of pretrial supervision by possessing a narcotic drug or other controlled substances, on or about October 14, 2021.

The defendant was released from detention on May 5, 2021. She signed her conditions of release on May 6, 2021, stating she understood she was prohibited from possessing controlled substance or narcotic drugs.

On October 14, 2021, this officer located Ms. Martinez at her brother's residence. Ms. Martinez was found to be in the state of deep sleep, assumably drug induced. Next to Ms. Martinez' body was numerous pieces of foil, known to be used to smoke

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heroin. A lighter and blow torch and plastic baggies, which drugs could be contained in, were also located next to Ms. Martinez' body. Due to the room being cluttered and officer safety concern, photos were taken, but no evidence was seized. Although no physical drugs were seized, based on the observations of the bedroom and knowledge of how drugs are used, it is reasonable to believe Ms. Martinez is in possession of a controlled substance, specifically heroin.

PRAYING THAT THE COURT WILL ORDER A WARRANT

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: October 15, 2021

by s/Emely Cubias

Emely Cubias
U.S. Pretrial Services Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this
petition with the other violations pending before the
Court.
- ☐ Defendant to appear before the Judge assigned to the
case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

October 19, 2021

Date